

AMENDED IN SENATE MARCH 29, 2006

**SENATE BILL**

**No. 1282**

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**Introduced by Senator Ducheny**

February 14, 2006

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An act to add Section 164.1 to the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1282, as amended, Ducheny. Transportation: federal funds: border infrastructure program.

Existing law generally provides for programming by the California Transportation Commission of state and federal transportation funds pursuant to the state transportation improvement program process, subject to various funding distribution and fair share formulas. Existing federal law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) apportions federal transportation funds to the states for various purposes, including funds for a coordinated border infrastructure program.

This bill would require federal funds apportioned to the state under the coordinated border infrastructure program of SAFETEA-LU to be programmed, allocated, and expended in the same manner as other federal transportation capital funds in the state transportation improvement program, except that these federal funds would be exempt from being included in the transportation funds subject to the distribution and fair share formulas. The bill would also authorize these funds to be used for projects located in Mexico. The bill would authorize any nonfederal funds needed to match these federal funds to

be programmed from any available source, with the concurrence of the applicable regional transportation planning agency, ~~and would require any state transportation improvement program funds used to provide the nonfederal match to be deducted from the county share of the applicable county.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 164.1 is added to the Streets and  
2 Highways Code, to read:

3 164.1. (a) Federal funds derived from apportionments made  
4 to the state under Section 1101(a)(11) of the federal Safe,  
5 Accountable, Flexible, Efficient Transportation Equity Act: A  
6 Legacy for Users (SAFETEA-LU; P.L. 109-59) for the  
7 coordinated border infrastructure program established under  
8 Section 1303 of that act shall be included and separately  
9 identified in the fund estimates prepared pursuant to Sections  
10 14524 and 14525 of the Government Code, the interregional  
11 transportation improvement program submitted by the  
12 department pursuant to Section 14526 of the Government Code,  
13 and the state transportation improvement program adopted by the  
14 commission pursuant to Section 14529 of the Government Code.  
15 Except as otherwise provided in subdivision (b), these funds shall  
16 be programmed, allocated, and expended in the same manner as  
17 other federal funds made available for capital improvement  
18 projects in the state transportation improvement program.

19 (b) Notwithstanding any other provision of law:

20 (1) The programming, allocation, and expenditure of the funds  
21 described in subdivision (a) may be for any purpose authorized  
22 under federal law, including projects in Mexico.

23 (2) The funds described in subdivision (a) shall not be subject  
24 to the distribution formulas and limitations described in Section  
25 164.

26 (3) The nonfederal match for the funds described in  
27 subdivision (a) may be programmed from any available source,  
28 including other state transportation improvement program

1 funding, if the regional transportation planning agency concurs.  
2 ~~If the nonfederal match is provided from the state transportation~~  
3 ~~improvement program, that nonfederal match shall be deducted~~  
4 ~~from the county share of the county in which the project is~~  
5 ~~located, and if the project is located in Mexico, that nonfederal~~  
6 ~~match shall be deducted from the county share of the county~~  
7 ~~adjoining the location of the project.~~

8 SEC. 2. This act is an urgency statute necessary for the  
9 immediate preservation of the public peace, health, or safety  
10 within the meaning of Article IV of the Constitution and shall go  
11 into immediate effect. The facts constituting the necessity are:

12 In order to establish a process for the programming and  
13 expenditure of federal border infrastructure funds as quickly as  
14 possible, it is necessary that this act take effect immediately.